

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

NOV 02 2005

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DENNIS BONILLA-GUZMAN,

Defendant - Appellant.

No. 03-30369

D.C. No. CR-03-00093-RSL

ORDER and MEMORANDUM*

Appeal from the United States District Court
for the Western District of Washington
Robert S. Lasnik, District Judge, Presiding

Submitted September 13, 2004**

Before: PREGERSON, HAWKINS, and GRABER, Circuit Judges.

The panel has voted to grant the petition for panel rehearing.

The Memorandum Disposition filed on October 6, 2004, is **WITHDRAWN**
and replaced with the following Memorandum Disposition:

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

** This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Dennis Bonilla-Guzman appeals his 70-month sentence imposed after his guilty-plea conviction for conspiracy to distribute cocaine, in violation of 21 U.S.C. §§ 841(a), (b)(1)(B), and 846. We have jurisdiction pursuant to 28 U.S.C. § 1291.

We remand the sentence for further proceedings consistent with *United States v. Ameline*, 409 F.3d 1073, 1084-85 (9th Cir. 2005) (en banc).

REMANDED.